

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

IFW

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8+

Application Number

10/717,402

Filing Date

November 19, 2003

First Named Inventor

Randall J. Huebner

Art Unit

3732

Examiner Name

Unknown

Attorney Docket Number

ACM 356

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒Information Disclosure Statement  
(Second Supplemental)☐Certified Copy of Priority  
Document(s)☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify  
below):

1. PTO 1449 Forms (5)

2. Copies of References (8)

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

James R. Abney

Date

October 24, 2005

Reg. No.

42,253

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Lisa Holstein

Date

October 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Date: October 24, 2005

RANDALL J. HUEBNER

Serial No. : 10/717,402

Group Art Unit 3732

Filed : November 19, 2003

For : DEFORMABLE BONE PLATES

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98**

Applicant is submitting this Second Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Second Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicant respectfully requests that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

## CONTENT OF DISCLOSURE

This Second Supplemental Information Disclosure Statement includes (1) five pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

## TIMING OF DISCLOSURE / FEE INFORMATION

This Second Supplemental Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Second Supplemental Information Disclosure Statement.

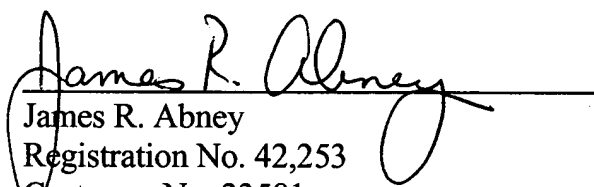
### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 24, 2005

  
Lisa Holstein

Respectfully submitted,

KOLISCH HARTWELL, P.C.

  
James R. Abney  
Registration No. 42,253  
Customer No. 23581  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679  
Attorney for Applicant/Assignee

SHEET 1 OF 5

FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER ACM 356		APPLICATION NUMBER 10/717,402		
		APPLICANT(S) Randall J. Huebner				
		FILING DATE November 19, 2003		GROUP ART UNIT 3732		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	1,789,060	1/13/31	Weisenbach			
	4,730,608	3/15/88	Schlein			
	4,923,471	5/8/90	Morgan			
	5,013,315	5/7/91	Barrows			
	5,129,899	7/14/92	Small et al.			
	5,423,826	6/13/95	Coates et al.			
	5,658,283	8/19/97	Huebner			
	5,720,502	2/24/98	Cain			
	5,902,304	5/11/99	Walker et al.			
	5,928,234	7/27/99	Manspeizer			
	6,053,915	4/25/00	Bruchmann			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
	EP 1 250 892 A3/A2	9/3/03	EPO			XX
	WO01/21083 A1	3/29/01	WIPO			XX
	WO01/62136 A3	8/30/01	WIPO			XX
OTHER DOCUMENTS						
	<i>Biomechanical Evaluation of the Schuhli Nut</i> , Kolodziej, et al., <u>Clinical Orthopaedics and Related Research</u> , Vol. 347, pp. 79-85, February 1998.					
	Internal Fixation in Osteoporotic Bone, An, Y.H., p. 83, 2002.					
EXAMINER			DATE CONSIDERED			

FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER ACM 356		APPLICATION NUMBER 10/717,402		
		APPLICANT(S) Randall J. Huebner				
		FILING DATE November 19, 2003		GROUP ART UNIT 3732		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	6,129,728	10/10/00	Schumacher et al.			
	6,224,602	5/1/01	Hayes			
	6,302,883	10/16/01	Bono			
	6,379,364	4/30/02	Brace et al.			
	6,503,250	1/7/03	Paul			
	6,547,790	4/15/03	Harkey et al.			
	6,592,578	7/15/03	Henniges et al.			
	6,623,487	9/23/03	Goshert			
	6,695,846	2/24/04	Richelsoph et al.			
	6,682,533	1/27/04	Dinsdale et al.			
	6,793,658	9/21/04	LeHuec et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	Zespol Bone Screws, in <u>Mikromed – Catalogue 2004</u> (November 2004), available at <a href="http://www.mikromed.pl/katalog/Main/main_eng.htm">http://www.mikromed.pl/katalog/Main/main_eng.htm</a> and <a href="http://www.mikromed.pl/katalog/zespol_eng/wkrety.htm">http://www.mikromed.pl/katalog/zespol_eng/wkrety.htm</a> .					
	Zespol Bone Plates, in <u>Mikromed – Catalogue 2004</u> (November 2004), available at <a href="http://www.mikromed.pl/katalog/Main/main_eng.htm">http://www.mikromed.pl/katalog/Main/main_eng.htm</a> and <a href="http://www.mikromed.pl/katalog/zespol_eng/plytki.htm">http://www.mikromed.pl/katalog/zespol_eng/plytki.htm</a> .					
	SmartLock Locking Screw Technology, advertisement, <u>The Journal of Hand Surgery</u> , Vol. 30A, No. 1, January 2005.					
EXAMINER			DATE CONSIDERED			

FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER ACM 356		APPLICATION NUMBER 10/717,402		
		APPLICANT(S) Randall J. Huebner				
		FILING DATE November 19, 2003		GROUP ART UNIT 3732		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	6,858,031	2/22/05	Morrison et al.			
	6,866,665	3/15/05	Orbay			
	6,893,444	5/17/05	Orbay			
	2003/0040748 A1	2/27/03	Aikins et al.			
	2003/0149434 A1	8/7/03	Paul			
	2004/0102775 A1	5/27/04	Huebner			
	2004/0102776 A1	5/27/04	Huebner			
	2004/0102778 A1	5/27/04	Huebner et al.			
	2004/0116930 A1	6/17/04	O'Driscoll et al.			
	2004/0127901 A1	7/1/04	Huebner et al.			
	2004/0127903 A1	7/1/04	Schlapfer et al.			
	2004/0153073 A1	8/5/04	Orbay			
	2004/0193164 A1	9/30/04	Orbay			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
EXAMINER			DATE CONSIDERED			

FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER ACM 356		APPLICATION NUMBER 10/717,402		
		APPLICANT(S) Randall J. Huebner				
		FILING DATE November 19, 2003		GROUP ART UNIT 3732		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2004/0193165 A1	9/30/04	Orbay			
	2004/0220566 A1	11/4/04	Bray			
	2004/0260291 A1	12/23/04	Jensen			
	2004/0260292 A1	12/23/04	Orbay et al.			
	2004/0260293 A1	12/23/04	Orbay et al.			
	2004/0260294 A1	12/23/04	Orbay et al.			
	2004/0260295 A1	12/23/04	Orbay et al.			
	2005/0049593 A1	3/3/05	Duong et al.			
	2005/0065520 A1	3/24/05	Orbay			
	2005/0065522 A1	3/24/05	Orbay			
	2005/0065523 A1	3/24/05	Orbay			
	2005/0065524 A1	3/24/05	Orbay			
	2005/0065528 A1	3/24/05	Orbay			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
EXAMINER			DATE CONSIDERED			

FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER ACM 356		APPLICATION NUMBER 10/717,402			
		APPLICANT(S) Randall J. Huebner					
		FILING DATE November 19, 2003		GROUP ART UNIT 3732			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
	2005/0085818 A1	4/21/05	Huebner				
	2005/0085819 A1	4/21/05	Ellis et al.				
	2005/0131413 A1	6/16/05	O'Driscoll et al.				
	2005/0159747 A1	7/21/05	Orbay				
	2005/0165395 A1	7/28/05	Orbay et al.				
	2005/0171544 A1	8/4/05	Falkner				
	2005/0182405 A1	8/18/05	Orbay et al.				
	2005/0182406 A1	8/18/05	Orbay et al.				
	2005/0187551 A1	8/25/05	Orbay et al.				
	2005/0192578 A1	9/1/05	Horst				
	2005/0234458 A1	10/20/05	Huebner				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OTHER DOCUMENTS							
EXAMINER			DATE CONSIDERED				